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# TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional)  
008312-0305862

In re Application of: TAKASHI YAMAZAKI, et al.

Application No.: 10/658,370

Filed: September 10, 2003

For: MALFUNCTION-DETECTION METHOD IN INJECTION MOLDING MACHINES

The owner, TOSHIBA MACHINE CO LTD, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,669,877 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

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2. ☒ The undersigned is an attorney or agent of record. Reg. No.

John P. Darling #47641 for  
Signature

May 8, 2006  
Date

John P. Darling, Reg. No. 44482  
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(703) 770-7745

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